

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Linda Baldwin,

Case No.: 2:24-cv-01208-JAD-MDC

**Plaintiff**

V.

Nevada Attorney for Injured Workers, et al.,

**Order Directing Filing of Third Amended  
Complaint by June 27, 2025**

## Defendants

[ECF Nos. 12, 13, 14, 17]

8 Pro se plaintiff Linda Baldwin sues the Nevada Attorney for Injured Workers, the State  
9 of Nevada Department of Administration Hearing Division, and the State of Nevada Department  
10 of Administration Hearing Appeals Division for events related to the denial of worker's  
11 compensation benefits. Because she is proceeding *in forma pauperis*, her pleading was  
12 screened.<sup>1</sup> The magistrate judge found that Baldwin's amended complaint fails to establish a  
13 *prima facie* Americans with Disabilities Act (ADA) claim because she does not identify what her  
14 claimed "mobility impairment" is or how it substantially limits a major life activity.<sup>2</sup> The  
15 magistrate judge further observed that "plaintiff's claim seems to arise from her disagreement  
16 over denial of worker's compensation benefits, and not a failure to accommodate some  
17 established disability," so she has "failed to establish a connection between her 'disability' and  
18 the defendants' actions."<sup>3</sup> He concluded that this action "is apparently an attempt to appeal an  
19 unfavorable worker's compensation claim determination, which is not necessarily an ADA  
20 claim."<sup>4</sup>

1 ECF No. 2.

|<sup>2</sup> ECF No. 11 at 6.

23 | <sup>3</sup> *Id.* at 7.

$|^4 Id.$

1       The magistrate judge then noted that some of Baldwin’s allegations appear to state a legal  
 2 malpractice claim against the Nevada Attorney for Injured Workers. But there is no such claim  
 3 under the ADA. Legal malpractice claims arise under state law, so the magistrate judge declined  
 4 to exercise supplemental jurisdiction over this one.<sup>5</sup>

5       Finally, the magistrate judge found that Baldwin’s claim against the Hearing Officer and  
 6 the Appeals Board is a de facto appeal of the decision by the Workers’ Compensation Board,  
 7 which cannot arise under the ADA. Even if Baldwin had pled the necessary elements of an ADA  
 8 claim against these officers, he explained, those claims would be barred by the doctrine of  
 9 judicial immunity.<sup>6</sup>

10      So the magistrate judge dismissed all of Baldwin’s claims with leave to file a second  
 11 amended complaint by February 28, 2025, if she could cure the defects in her first amended  
 12 complaint.<sup>7</sup> Baldwin filed an objection to the magistrate judge’s order, a second amended  
 13 complaint, and an amended objection.<sup>8</sup>

14 **A. Baldwin’s objections are overruled.**

15      Baldwin’s first objection seems to suggest that her malpractice claim is brought under the  
 16 Federal Tort Claims Act.<sup>9</sup> While this may have been her intention, it is certainly not clear by the  
 17 way she’s crafted the amended complaint. When deciding whether or not to dismiss a claim  
 18 during the screening process, the court is generally bound by the facts and allegations contained

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21<sup>5</sup> *Id.* at 8.

22<sup>6</sup> *Id.* at 8–9.

23<sup>7</sup> *Id.* at 10.

<sup>8</sup> ECF Nos. 12, 13, 14.

<sup>9</sup> ECF No. 14 at 3.

1 within the four corners of the complaint.<sup>10</sup> Because it was not apparent from the structure of and  
 2 allegations in the amended complaint that Baldwin intends to bring a malpractice claim under the  
 3 Federal Tort Claims Act, the magistrate judge did not err by failing to characterize it as such.

4       Baldwin’s next objection is “that she enforced a default Judgement [sic] against the  
 5 Defendants by amending the judgment with a sworn affidavit.”<sup>11</sup> This court denied Baldwin’s  
 6 requests for a default judgment because no defendant was actually in default.<sup>12</sup> Because this  
 7 case remains in the screening phase, Baldwin has not yet been authorized to serve any of her  
 8 pleadings on any defendant and thus no obligation for any defendant to respond has arisen. So  
 9 Baldwin is not entitled to the entry of default or a default judgment against any defendant at this  
 10 time.

11       Next, Baldwin provides three pages of details about how the denial of workers’  
 12 compensation benefits makes the defendants “liable” for intentional infliction of emotional  
 13 distress.<sup>13</sup> She writes that the defendants’ “tortious actions constitute an actionable tort, separate  
 14 and apart from” their statutory obligations under “the Texas Workers Compensation Act.”<sup>14</sup>  
 15 Again, if Baldwin intended to assert a claim for intentional infliction of emotional distress, this

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21<sup>10</sup> *Swartz v. KPMG LLP*, 476 F.3d 756, 763 (9th Cir. 2007).

22<sup>11</sup> ECF No. 14 at 5.

23<sup>12</sup> See ECF No. 10.

<sup>13</sup> *Id.* at 5–7.

<sup>14</sup> *Id.* at 7.

1 was not made clear by her amended complaint, which contains only the following labeled causes  
2 of action:

STANDING  
FIRST CAUSES OF ACTION INJUNCTION

**COUNT ONE: VIOLATION OF TITLE II OF ADA**

7 While there are many more headings within the complaint, these are the only theories that are  
8 labeled as causes of action or counts.<sup>15</sup> If Baldwin's intent is to object that the magistrate judge  
9 did not find that she had pled a viable claim for intentional infliction of emotional distress, that  
10 objection is overruled because the complaint does not contain such a claim.

Finally, Baldwin objects that the defendants should have been served with and compelled to answer her complaint before it was screened.<sup>16</sup> But that's not how this works. When a party seeks permission to pursue a civil case *in forma pauperis*, the court screens the complaint under 28 U.S.C. § 1915(e). The purpose of this early judicial-screening requirement is “to ensure that the targets of frivolous or malicious suits need not bear the expense of responding.”<sup>17</sup> For this reason, the adversarial process—with the inclusion of the defendant—does not start until the court has determined that the plaintiff has stated a colorable claim. Because Baldwin has not yet

<sup>15</sup> See ECF No. 7.

<sup>16</sup> ECF No. 14 at 8.

<sup>22</sup> <sup>17</sup> *Nordstrom v. Ryan*, 762 F.3d 903, 907 n.1 (9th Cir. 2014) (quoting *Wheeler v. Wexford Health Sources, Inc.*, 689 F.3d 680, 681 (7th Cir. 2012)); *See also Neitzke v. Williams*, 490 U.S. 319, 327 (1989) (noting that a central function of this screening process is to “discourage the filing of, and waste of judicial and private resources upon, baseless lawsuits that paying litigants generally do not initiate because of the cost of bringing suit.”).

<sup>23</sup>

1 pled a colorable claim, this case has not advanced beyond the screening process and no  
2 defendant is yet obligated to answer. Baldwin's objections are thus overruled.

3

4 **B. Baldwin will be given leave to amend her complaint in light of the clarifications in  
this order.**

5 Baldwin's second amended complaint was filed timely, but she did not have the benefit  
6 of the clarifications above when drafting it. The only two causes of action she labels as such are  
7 "STANDING. FIRST CAUSES OF ACTION INJUNCTION"<sup>18</sup> and "COUNT TWO:  
8 VIOLATION OF TITLE 11 OF ADA."<sup>19</sup> I also note that although the magistrate judge warned  
9 Baldwin not to attach "documents contain[ing] personal identifiable information" like medical  
10 records and social security numbers to her complaint,<sup>20</sup> she again attached more than two  
11 hundred pages of exhibits that contain personal identifiers. Finally, the filing of 263 pages as a  
12 single chunk, without separating out and individually filing each exhibit, violates Local Rule IC  
13 2-2(a)(3)(A). That rule states that "[e]xhibits and attachments must not be filed as part of the  
14 base document in the electronic filing system. They must be attached as separate files." Local  
15 Rule IA 10-3 further requires that all exhibits and attachments "be paginated," and "[a]n index of  
16 exhibits must be provided."

17 In the interests of justice, I grant Baldwin leave to file a third amended complaint by June  
18 27, 2025, that takes into consideration the clarifications in this order, redacts (blacks out) all  
19 personal identifying information from the body of the complaint and any exhibits to it, and  
20 ensures that exhibits are filed in compliance with the local rules. Her failure to redact personal

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22 <sup>18</sup> ECF No. 13 at 6.

23 <sup>19</sup> Id. at 13.

<sup>20</sup> ECF No. 11 at 9.

1 identifying information may result in future documents being struck without prior notice. It is  
2 also recommended, for clarity, that Baldwin identify each separate claim that she intends to plead  
3 with a clear heading and label that identifies the number of the claim, the legal theory or statute  
4 on which it is based, and who the claim is asserted against. This should look something like:

### First Claim for Relief

# Legal Malpractice under the Federal Tort Claims Act against Nevada Attorney for Injured Workers

### Second Claim for Relief

# Disability Discrimination under Title II of the ADA against Nevada Attorney for Injured Workers

### Third Claim for Relief

Intentional Infliction of Emotional Distress  
against [name of the defendant this claim is asserted against]

3

12 Under each claim, Baldwin should include the facts and related authority on which she bases  
13 each claim. A clear organization structure will help the court screen her claims more quickly and  
14 accurately.

**15 | C. Motion for leave to file amended complaint**

16       Unhappy with the magistrate judge’s rulings, Baldwin moved for his recusal.<sup>21</sup> The  
17 magistrate judge denied that motion, explaining that a judge’s ruling is not a proper basis for  
18 recusal.<sup>22</sup> Baldwin then filed a motion titled “Plaintiffs’ Motion for Leave to File Amended  
19 Complaint” on April 22, 2025.<sup>23</sup> But it appears that what she really wants to do is file an  
20 amended motion for recusal that adds the undersigned judge as a target of her recusal request

<sup>22</sup>||<sup>21</sup> ECF No. 15.

23 |<sup>22</sup> ECF No. 16.

<sup>23</sup> ECF No. 17.

1 because what she attaches to the motion is titled “AMENDED RECUSAL.”<sup>24</sup> The request to  
2 amend is denied. Because the magistrate judge’s order denying the original motion for recusal  
3 has been decided, there is no active recusal motion left to amend.

## Conclusion

5 IT IS THEREFORE ORDERED that Baldwin's objections [ECF Nos. 12, 14] are  
6 **OVERRULED**, and her motion to amend [ECF No. 17] is DENIED.

7 IT IS FURTHER ORDERED that Plaintiff Linda **Baldwin** has until June 27, 2025, to  
8 file a third amended complaint that cures the deficiencies identified in the magistrate judge's  
9 January 29, 2025, order [ECF No. 11] and in the clarifications above. If she does not file a third  
10 amended complaint by June 27, 2025, the court will proceed with the screening of her second  
11 amended complaint [ECF No. 13]. Screening may take several months. **Baldwin is reminded**  
12 **that personal identifying information must be redacted (blacked out from) future filings,**  
13 and any filings that violate this instruction may be struck without further prior notice. **The**  
14 **Clerk of Court is directed to SEAL ECF No. 13 because it contains personally identifying**  
15 **information throughout.**

U.S. District Judge Jennifer A. Dorsey  
May 27, 2025

<sup>24</sup> ECF No. 17-2.